

MEMORANDUM ENDORSEMENT

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 7/22/2021

Crichlow v. Youssef, et al.

12-cv-7774 (NSR)

On May 19, 2021, the Court issued an Order instructing Plaintiff to show cause in writing on or before June 18, 2021 as to why this action should not be dismissed for want of prosecution. (ECF No. 170.) On May 20, 2021, the Clerk of the Court mailed a copy of the Order to Plaintiff at his address on the docket.

On June 22, 2021, following no response from Plaintiff, the Court issued an Order dismissing the action. (ECF No. 171.) On June 23, 2021, the Clerk of the Court mailed a copy of the Order to Plaintiff at his address on the docket.

On July 21, 2021, the Court received a motion for reconsideration from Plaintiff (attached, ECF No. 172) indicating that Plaintiff never received the Court's May 19, 2021 Order to Show Cause and reasserting the merits of Plaintiff's action.

Defendants are directed to respond to Plaintiff's motion on or before August 5, 2021. The Clerk of the Court is kindly directed to mail a copy of this endorsement to *pro se* Plaintiff and show service on the docket.

Dated: July 22, 2021
White Plains, NY

SO ORDERED.



Nelson S. Román, U.S.D.J.

Date: 7 / 21 / 2021

SOUTHERN DISTRICT OF NEW YORK

KEVIN DAMION CRICHLER

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 7/21/2021

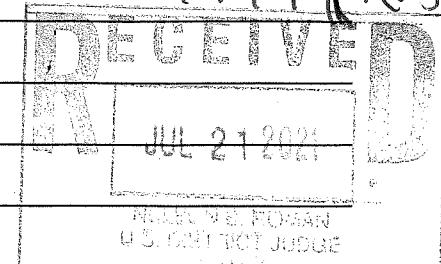
PLAINTIFF(S)

ST

DECLARATION
FOR MOTION OF
RECONSIDERATION RULE
60(B) OF THE FED. RWS
OF CIV. PROVIDES
12-CV-7774 (NJS)

DR. ELLEN YOUSSEF
ET. AL.

DEFENDANTS



IM KEVIN D. CRICHLER, PURSUANT TO 28 U.S.C.
§ 1746, DECLARES UNDER PENALTY OF PERJURY UNDER
THE LAWS OF THE UNITED STATES OF AMERICA THAT
THE FOREGOING IS TRUE AND CORRECT:

(1) IM PRISONER IN STATE OF NEW YORK AT SOUTHPORT
C.F. AND PLAINTIFFS RESPECTIVELY ASK THE COURT
TO GRANT PLAINTIFFS RECONSIDERATION RULE 60-B
PLAINTIFF WOULD LIKE TO BRING TO COURT
ATTENTION, THE LETTER FROM COURT DATED MAY. 19. 2021
I ISSUED AN ORDER TO SHOW CAUSE IN WRITING
OR OR BEFORE JUNE 18. 2021, EXHIBITS (A)
PLAINTIFF NEVER RECEIVED NO LEGAL MAIL
ON MAY. 19-20, 2021 PLAINTIFF WAS ASSAULTED
BY DOCCS IN PRIOR CASE "CRICHLER V. FISCHER
(2-CV-7774 (NJS) AMED-COMPL AT 197-199)
AT ON MAY. 19. 2021 C.O. MCCGILL MADE ME IN MY CELL
ON VIDEO-TAPE; THEN COVER UP, THE NEXT DAY ON
C-BLOCK IM THE ONLY INMATE ON THAT BLOCK I WAS
REASSAULTED BY C.O.S. MENNECKE SON JR. MENNECKE

NO VIDEO TAPE WORK ON C-BLOCK SHU AND BOTH'S
 ASSAULTED SHOW PHOTOS OF MY INJURIES. ON 6.4.2021
 24 MONTHS IN SHU. WITHOUT A HEARING NO PAPER WORK WAS
 GIVE TO ME FOR 4 TIRE ~~THE~~ 3 HEMING. I NEVER
 INTERVIEW BY NO ONE SEE AMEND-COMP - AT 188-196

I NEVER Received NO LEGAL MAIL FROM HONORABLE
NELSON S. ROMAN ALSO I Had A COURT ORDER IN
U.S. D.C. S.D.N.Y. FROM HON. PHILIP M. HALPERIN
IN CRICHLow V. ANNUNCI, NO. 18 CIV. 3222 (PMH)
FOR THE SAME DAY IN DOC ITI, I WOULD WRITE
YOU HON. ROMAN; ASK OR REQUESTED A EXTENSION TIME
TO RESPOND BACK TO YOUR MOTION. ALSO PLAINTIFFS
ARGUES THAT By DEFENDANTS DR. ELLEN YOUSSEF ET.AL.
INTENTIONAL DEPRIVATION LEAD TO YEARS PRACTICES THAT ARE
PERSISTENT: WIDESPREAD OF DELIBERATELY INDIFFERENTS OF
CHRONIC PAIN; SUFFERED; IN NEED OF EMERGENCY CARE SERIOUS
INJURED SEVERAL THAT NEED SURGICALLY REPAIR, IT'S
TOOK OVER 5 YEAR BEFORE I HAD USED OF HAND SEVERAL
OPERATION WAS WRONG SEE AND AMEND-COMP AT (9-10) 21)
(21) 44-50-51) AND WRONG OPERATION AT 124) 149) (152-157) SEE
EXHIBITS(B) SHOW AFTER 1-13-2010 OPERATION WAS WRONG PART
OF HAND, "MULTI-DIAGNOSTIC SERVICES INC, SHOW DAMAGE
THAT WOULD NOT HAPPEN, IF DEFENDANTS DR. E. YOUSSEF
WOULD HAVE OPERATION DONE IN 2008, EXHIBITS(D) SHOW
I WAS IN NEED OF 3 OPERATIONS THEY WAS NOT DONE INTO
2-12-2016, EXHIBITS(C) SHOW OPERATION BY E. C. M. C.
BY DR. CALLAHAN PARAG AT 31 1/2 "ALLOGRAFT CANCEROUS BONE
CHIPS WERE PLACE INTO THE DORSAL RIGHT WRIST DEFECT DORSAL
TO THE CAPITITE; IN CONJUNCTION WITH THE COMPLETION OF THE
RADIAL ARTHRODESIS, THE PLAINTIFFS WAS AT DOWNSTATES. C. F
IN THE CARE OF DR. ELLEN YOUSSEF FOR 120 DAY 4 MONTHS WITH NO
CARE FOR CHRONIC PAIN; DELIBERATE INDIFFERENCE TO SERIOUS
& MEDICAL NEED; CONDITIONS, THIS CUSTOM IS PROBATIVE OF A

PAGES (8) MUNICIPAL LIABILITY. EXHIBITS (J) LEFT MY RIGHT THUMB 1/2 PARALYZE ; REST OF MY DOMINANT RIGHT HAND PERMANENT CRIPPLE WITH PAIN & NERVE DAMAGES TO MY WHOLE RIGHT SIDE ; SOME TIME I CANT MOVE MY HAND ARM OR ELBOW CAUSE OF PAIN AND WEAKENESS ; CANT SLEEP AT NIGHT ; IMPAIRMENT I CAN T TAKE CARE OF MYSELF NO X SHOWER EATING WASHING UP ; OTHER MAJOR DAILY ACTIVITIES, PLAINTIFFS ASK FOR RELIEF IN COURT OF LAW ; STILL DENIED THE OPPORTUNITY TO PARTICIPATE IN OR BENEFIT FROM DEFENDANTS SERVICES, PROGRAMS, OR ACTIVITIES, NOW 14 TEEN YEARS LATER STILL DISCRIMINATED AGAINST BY DEFENDANT BY REASON OF PLAINTIFFS DISABILITIES ; BEING A WHISTLE BLOWER AGAINST ALL DOCCS STAFFS MISCONDUCT, THEY JUST ASSAULTED ME AT SOUTHPORT C.F. A NONE REASONABLE ACCOMMODATION PRISON TOOK ALL OF MY HEARING AIDS ; BRACES HANd, ELBOW, BACK & LOWERBACK BRACES ; BOTH KNEES BRACES ; SAME CAUSE OF EXHIBITS (E) ; IN THE E-MAIL METAL Rod IS COMING OUT TOP PART OF MY HAND SINCE 2007, THIS IS CORROBORATE BY HONORABLE U.S. D. J. PHILIP M. HALPERN,

I WAS ALSO GIVING 24 MONTHS IN S.H.U WITHOUT HEARING OR GIVING PAPER WORK CAUSE OF my LAST CASE FILED ; REPORTING STAFFS MISCONDUCT.

PLAINTIFF TOOK 2008 - 2013. 4-13-2013 BEFORE

I GOT ME NERVOUS OPERATION SOME 54 MONTHS LATER ; AFTER OPERATION I DIDNT GET PAIN MEDS FOR 17 DAYS INTO OUT-SIDE DOCTOR CAME TO LOOK AT METAL STAPLER ; STILL GOT MY SAME ROTTOENT THOTH ; GUM INFECTION GUM NOW AT TOP PART OF ROOT REQUEST Fed. Rule, CIVIL PROCEDURE (35) PHYSICIAN OR METAL EXAMINATION. AFTER 3 EXHIBITS (E) THEY MOVE ME OUT OF REASONABLE ACCOMMODATION Programs TALK KICK MY ASS AFTER my MEDICAL FOLDER, PLEASE CALL ME TO GET

I KNOW FOR A FACT THAT IF MY MOTION IS
GRANTED THE HONORABLE ROMAN WILL SEE YER OF
ABUSED I REST MY CASE, THANK YOU.

KEVIN CULKIN #A35H/S.H.U.

B-2-2

SOUTHPORT C.F.

P.O. BOX-2000

PIKE CITY N.Y. 14871

EXHIBIT A

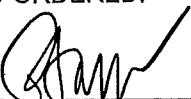
Case 7:18-cv-03222-PMH Document 151 Filed 04/19/21 Page 1 of 2

Application granted. Defendant Fuller's motion to dismiss shall be served and filed in accordance with the following schedule:

- (1) Fuller shall serve and file his moving papers on May 14, 2021;
- (2) Plaintiff shall serve and file his opposition papers on June 18, 2021; and
- (3) Fuller shall serve and file his reply papers, if any, on June 25, 2021.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 150 and to mail a copy of this Order to Plaintiff.

SO ORDERED.


Philip M. Halpern
United States District Judge

Dated: White Plains, New York
April 19, 2021



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

DIRECT DIAL: (212) 416-6551

April 16, 2021

v. Annucci, No. 18 Civ. 3222 (PMH)

This Office represents Defendants¹ in the above referenced action. I write, to respectfully request an extension of time for newly-served Defendant Fuller to file his motion to dismiss the Second Amended Complaint from April 30, 2021, to May 14, 2021 (Dkt. No. 148). The grounds for this request is that the undersigned is actively preparing for trial, in the action of Magalios v Peralta, 19-cv-6188 (SDNY), which is to be tried before Judge Cathy Seibel commencing April 26, 2021. The parties anticipate that the trial will take between four and six days.

This is the first request for an extension of time for Defendant Fuller to file his motion to dismiss. There is currently a motion to dismiss pending on behalf of Defendants Annucci, Makowski, McCoy, Sipple, Cole, Keyser, Fitzpatrick, Burnett, Holloran, Puerschner, Karson, Jordan, Gilmore, Kolher, Skjeland, Layton, Buchanan, Askew, Korobkova, Moshier, Wolf, Proulx, and LaPenna, with reply due May 14, 2021. (Dkt. No. 149). I did not seek Mr. Chrichlow's consent, as his status as an incarcerated plaintiff pro se requires communicating by mail and I wanted to make this request forthwith.

I thank Your Honor for your attention to this matter.

Respectfully submitted,
/s/ Jessica Acosta-Pettyjohn
Jessica Acosta-Pettyjohn
Assistant Attorney General
Jessica.Acosta-Pettyjohn@ag.ny.gov

¹ This Office represents Defendants Anthony J. Annucci, Jeffrey Arliss, Michael Makowski, Timothy McCoy, Gary Sipple, William Cole, William Keyser, Timothy Fitzpatrick, Edward Burnett, William Holloran, Mark Puerschner, Christopher Karson, Wayne Jordan, George Gilmour, Michael Kohler, Richard Skjeland, Kyle Layton, David Buchanan, Renee Askew, Yelena Korobkova, James Moshier, Janice Wolf, Sandra Proxy, and Lisa LaPenna.

EXHIBIT B

4/23/10 9:22:18
HSC4781NYS DEPARTMENT OF CORRECTIONAL SERVICES
HEALTH SERVICES SYSTEM
REQUEST AND REPORT OF CONSULTATION

PAGE 1

NAME: CRICHLLOW, KEVIN

DIN: 08A3511 DOB: 11/29/1963

CURRENT FAC: WENDE

REFERRAL NUMBER: 10127292.05M

REFERRING FAC : DOCS-WENDE

REFERRAL TYPE : PROCEDURE

REFERRAL DATE : 03/26/10 07:49A TELEMED: N<NN>

REFERRAL STATUS: SCHEDULED

TYPE OF SERVICE: OCCUPATIONAL THERAPY

INTERPRETER:

URGENCY OF CARE: ASSIGNED

MEDICAL HOLD: NO TYPE: REASON CODE:
TRANSPORTATION : N WHEELCHAIR N NURSE N
SENSORIAL IMPAIRMENT: HEARING LOSS/HARD OF
REFERRED BY: MED DIR OF CUR FAC
REVIEWED BY: MED DIR OF CUR FACEXP. DATE:
AMBULANCE N LITTER N HCAAPPOINTMENT: 04/29/10 09:15A
POS: WENDE RMU
PROV: KEMPEK, LISA-OTH

REASON FOR CONSULTATION:

USER: 03/26/10 07:49A CCCPJSJ

- (APPROVE 12 SESSIONS PTH PER ACG:A-0528 (AC) - PAIN 8-10/10, MODERATE ROM)
- (DEFICITS, MMT 3/5. - R WRIST - 2X'S/WK)
- ()
- ()
- ()

=====
ATTENTION: DO NOT INFORM INMATE OF FUTURE APPOINTMENT(S)

CONSULTANT REPORT:

S: "pain is bad"
8/10TX Given

on 4/27

O: Edema	
Wrist 5 3/4	Wrist 5 13/16
MCP 7 7/16	MCP 7 1/2
From Wrist Flex 32	Wrist 30
Wrist Ext 26	Wrist 24

- Hot pack wrist (15 min)
- Retrograde friction massage
- No ice massage
- String wrap to swelling
- Mobilize carpal bones

A: Since last tx swelling 2 places
 7 now
 Pain still bad
 Tolerates tx

A few hard wrist

- now: PASSIVE WNST 14x
 after 1 minute
- Resist Grp/Frsh. 2 & 10

P: Continue OT twice
 Continue Plan of care

JENNIFER WREN RN, NP
#2296

CONSULTANT SIGNATURE: Jen Wren RN, NP DATE: 4/29/10
IF FOLLOW-UP/PROCEDURE RECOMMENDED - REQUESTED BY _____* CONSULTATION IS A RECOMMENDATION. FINAL DETERMINATION WILL BE MADE BY THE
INMATE'S NYSDOCS PHYSICIAN.

=====

Swelling is decreasing - range is increasing but
 Tx not helping. Pain

Multi-Diagnostic Services, Inc.

139-16 91st Avenue, Jamaica, NY 11435 ~ Telephone (718) 454-8556
Fax (718) 454-7950 ~ Email: multidiag1@aol.com

Interpreted for Multi-Diagnostic Services, Inc. by Hudson Valley Imaging

EASTERN
DIN# 08A3511

RE: CRICHLLOW, Kevin
DOB: 11/29/1963
DATE OF EXAM: 02/03/2011

CRICHLLOW, KEVIN
ADMIT 4/18/11
DR. ARLISS
DOB 11/29/63
MR # 00-07-04
ENCOUNTER # 727

MRI OF THE RIGHT WRIST:

CLINICAL HISTORY: Pain, tendinitis.

Axial fat-saturated T2, coronal T1 and fat-saturated T2 and sagittal T1 weighted images were obtained. This examination is submitted for interpretation on 02/14/2011. The exam is limited as coronal T1 and axial T1 weighted images were submitted, but have extensive artifact and are non-diagnostic. No old examinations or plain films are available for comparison.

There is no evidence of acute fracture or dislocation. There is no evidence of cortical destruction or periosteal reaction. There is no evidence of abnormal bone marrow signal that would be consistent with bone marrow edema or bony contusion. There is no evidence of avascular necrosis. There is no evidence of intramuscular hemorrhage or tear. There is no evidence of any abnormal intramuscular signal. There is a complete and full thickness tear of the scapholunate ligament with increased distance between both scaphoid and lunate. There is no evidence of any other complete and full thickness tear or rupture of any of the intrinsic ligaments of the wrist. There is no evidence of complete and full thickness tear or rupture of any of the tendons that traverse the wrist. There is no significant tendinopathy, no evidence of partial thickness tear or tendinitis. There is fluid in the extensor tendon sheaths consistent with a tenosynovitis. There is no other significant tenosynovitis identified. The triangular fibrocartilage demonstrates no evidence of abnormal signal, no evidence of tear. There is fluid in the distal radioulnar joint, first carpo-metacarpal joint, and radiocarpal joints. There is no evidence of subcutaneous mass or abnormality. There are mild-to-moderate degenerative osteoarthritic changes identified.

IMPRESSION:

1. Full thickness tear of the scapholunate ligament.
2. Extensor tenosynovitis.
3. Fluid in the radiocarpal, first carpal-metacarpal and distal radioulnar joints.
4. Mild-to-moderate degenerative osteoarthritic changes.
5. Examination limited, as described.

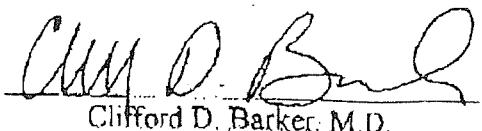


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Multi-Diagnostic Services, Inc.

139-16 91st Avenue, Jamaica, NY 11435 ~ Telephone (718) 454-8556
Fax (718) 454-7950 ~ Email: multidiag1@aol.com

Interpreted for Multi-Diagnostic Services, Inc. by Hudson Valley Imaging



Clifford D. Barker, M.D.

E-Sig By C. Barker, MD on 02/15/2011 09:09:31

CRICHLOW, KEVIN
ADMIT 4/18/11
DR. ARLISS
DOB 11/29/63
MR # 00-07-04
ENCOUNTER # 727



ENXCF

FACILITY

X-RAY REQUISITION AND REPORT

NAME	<u>Crichlow, Kevin</u>	DIN	<u>08A3511</u>
DATE ORDERED	<u>9/6/11</u>	HOUSING UNIT	<u>SHU</u>
DATE DONE	<u>9/9/11</u>	DATE OF BIRTH OR AGE	<u>11/29/63</u>
TECHNICIAN	<u>A</u>	URGENT	<u>X</u>
PRECAUTIONS/ALLERGIES/RISKS	<u>PCW 20</u>		
EXAMINATION	<u>Right left wrist s/p R wrist surgery.</u>		
CLINICAL DIAGNOSIS/HISTORY	<u>post surgery removal pin</u>		

ORDERED BY DR.

Dr Andola JEP

Exam right wrist AP & LAT views compared to study 7-18-11. Again identified is partial surgical removal of scaphoid bone with exception of distal pole. Fusion of capitate & lunate carpal bones. 1cm metallic pin has been removed from lunate since 7-18-01. Again identified is shortened ulna by 0.6cm. Alignment of carpus is anatomical. No recent fracture.

IMP: S/P PARTIAL SCAPHOIDECTOMY.

CARPAL FUSION (COALITION) ? POST SURGICAL BETWEEN CAPITATE & LUNATE BONES. NEGATIVE (MINUS) ULNAR VARIANCE By 0.6CM.

METALLIC HARDWARE REMOVED WHEN COMPARED TO STUDY 7-18-11.

OSTEOPENIA (? DISUSE).

NO ACUTE BONE INJURY IDENTIFIED RIGHT WRIST STUDY.

Fn hand surgeon

9/27/11

R. Mueller, MD
RADILOGIST

9-13-11
DATE

Q1

NEOPOST

FIRST-CLASS MAIL

07/12/2021

47000 A
U.S. POSTAGE PAID

Correctional Facility

ZIP 1487
041M1127421

SOUTHPORT

07/12/2021

A
U.S. POSTAGE PAID

SOUTHPORT CORRECTIONAL FACILITY

P.O. BOX 2000
PINE CITY, NEW YORK 14871-2000

NAME: KEVIN C. NELSON DIN: 08A35U

DAMON J. S.

U.S. DISTRICT COURT

500 PEARL STREET

NEW YORK, NY 10007

JUL 21 2021

MAIL

LEGAL

2 OF 2

4 CORRECTIONS 00020

WELSON, KEVIN C.
U.S. DISTRICT COURT
500 PEARL STREET
NEW YORK, NY 10007

NEW YORK STATE
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
OFFENDER CORRESPONDENCE PROGRAM

NAME: Kevin Orichow DIN: 0843511

Printed on Recycled Paper

